

Washington, D.C.—U.S. Congressman Mike Pence submitted the following remarks into the Congressional Record today in support of H.R. 1249, the America Invents Act, which modernizes our nation's patent laws:

"Mr. Speaker – I rise in support of H.R. 1249, the America Invents Act, which is a carefully-crafted compromise that will modernize our nation's patent laws to allow for greater innovation, economic growth and job creation.

"Years of hard work have gone into this bill. I would like to congratulate and thank Chairman Smith and Rep. Goodlatte for their leadership and diligence.

"The Constitution vests in Article I, Section 8, Clause 8, the power to Congress to "promote the Progress of Science and useful Arts, by securing for limited Times to . . . Inventors the exclusive Right to their . . . Discoveries."

"Our patent laws were written nearly sixty years ago, and it is time to update them to account for changes in our modern economy. It is Congress's power and responsibility to do so, especially with the problems that are evident with the patent system today.

"And not doing so will cost our country even more jobs. Patent reform is about jobs because intellectual property, like other forms of private property, is a pillar of economic prosperity. Part of creating a pro-growth environment in this country includes modernizing our patent laws.

"I have heard about the need for modernization from countless Hoosier business leaders, patent holders and entrepreneurs. Indiana has a long tradition of leadership in the life sciences and medical industries. Indiana also has a robust university research system, growing tech industry and, of course, a manufacturing industry that grows more high tech with each passing year.

"These and many other sectors of the Hoosier economy will benefit from the reforms in this bill.

When inventors and entrepreneurs are able to protect their inventions and speed them to market, it creates jobs not only for researchers and inventors, but also for factory workers, distributors, sales associates and marketing teams to name a few.

"This bill will ensure that newly-issued patents will be strong, high-quality patents that have gone through rigorous review. It will modernize the U.S. Patent and Trademark Office to reduce the current backlog of more than 700,000 patent applications, and it will ensure that the PTO, with proper congressional oversight, is able to retain the fees it collects to fund its operations. Finally, this patent reform bill will go a long way toward eliminating the lawsuit abuse that has become so prevalent in recent years.

"Of personal interest to me, I am pleased that the bill before us incorporates the changes to best mode that I obtained during the 2007 patent reform debate and floor vote.

"American patent law currently requires that a patent application 'set forth the best mode contemplated by the inventor of carrying out his invention' at the time the application is filed. But providing the best mode is not a requirement in Europe, Japan or the rest of the world and it has become a vehicle for lawsuit abuse.

"In my view, the best mode requirement of American law imposes extraordinary and unnecessary costs on inventors. I have maintained since 2007 that best mode should be repealed in full, and I would continue to support a full repeal if possible today.

"But, at the very least, I am pleased that the bill before us, like my amendments from 2007, only retains best mode as a specifications requirement for obtaining a patent. Once the examiner is satisfied that the best mode has been disclosed, the issue is settled forever. Going forward, best mode cannot be used as a legal defense to infringement in patent litigation or a basis for a post-grant review proceeding.

"The America Invents Act will enable America to continue to be the world's leader in innovation. It will lay the groundwork for intellectual property protection that will help grow our economy and create jobs both in the Hoosier state and across the nation.

"After so many years, I am encouraged that we are on the cusp of passing this bill out of the Congress and sending it to the president. I urge my colleagues to support the America Invents Act today."